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DELTA STEWARDSHIP COUNCIL

A California State Agency

October 16, 2015

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Executive Officer
Jessica R. Pearson

Mr. Michael Jackson
The Law Office of Michael B. Jackson
P.O. Box 207
Quincy, CA 95971
mjatty@spcglobal.net

RE: Request for Additional Scientific Information on Impacts of Single-Year Water Transfers

Dear Mr. Jackson:

It was unfortunate that you were unable to participate in the Delta Stewardship Council's panel discussion on single-year water transfers on September 24, 2015. Our goal was to present the Council with scientific based information on the potential impacts of single-year water transfers on the state's coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. As part of this effort, it was important for the Council to hear from and engage with experts who understand how single-year water transfers affect the Delta ecosystem.

As you may know, 2009's Delta Reform Act (Act) that created the Council also granted the Council regulatory authority over a specific group of activities occurring in whole or in part in the Delta called covered actions (Water Code section 85057.5). When the Council adopted the Delta Plan in 2013, the Council determined that single-year transfers occurring before January 1, 2017 will not have a significant impact on California's coequals for the purpose of determining if an activity meets the definition of a covered action. Unless the Council takes action to amend the Delta Plan, water suppliers participating in a single-year water transfer that occurs on or after January 1, 2017 will have to determine if the water transfer has a significant impact on the coequal goals and if the transfer is a covered action. The question the Council is currently contemplating is, do single-year water transfers (that occur after January 1, 2017) have the potential to have a significant impact on the coequal goals and should the Council amend the Delta Plan to include these activities as potential covered actions?

The Act requires that the Delta Plan be based on the best available scientific information (Water Code section 85308(a)). As such, it is important to add any relevant information to the administrative record the Council is preparing to support any action it may take regarding the

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

- CA Water Code §85054

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impacts of single-year transfers. Though you were unable to provide any information for the September Council meeting, we thought it important to reach out one more time to ask if you are aware of any studies, reports or other information the Council should be aware of before reaching a decision on single-year transfers? There is some urgency in this question as the Council will be deliberating amending the Delta Plan with respect to single-year water transfers at the November 19-20 Council meeting. Any additional information that will be added to the administrative record should be presented to the Council as part of the meeting materials provided to the Council prior to the November meeting. I ask that if you are aware of any additional information, please share it with us at your earliest convenience.

If you have any questions or comments, please feel free to contact me directly, or you can contact my staff, Kevan Samsam, at (916) 445-5011 or ksamsam@deltacouncil.ca.gov.

Sincerely,



Cindy Messer
Deputy Executive Officer
Delta Stewardship Council